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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,271	02/20/2002	Manabu Takezaki	TAKEZAKI=1	3403
1444	7590	09/21/2005	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			MANCHO, RONNIE M	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/078,271	TAKEZAKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ronnie Mancho	3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 14-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 14-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Applicant is advised that the Notice of Allowance mailed 6/16/05 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Travel Direction Warning Device.

### ***Claim Objections***

3. Claim 29-35 are objected to because of the following informalities: In claim 29, the applicant is advised to change "a travel warning direction device" to --a travel direction warning device".

In claim 31, last two lines, the applicant is advised to change "by rotation of the vehicle" to --by an abrupt rotation of the vehicle-- or --by a given amount of rotation of the vehicle".

These are merely suggestions, thus the applicant can put the limitation in any better form of their choice.

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Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-8, are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. Limitations critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

In claim 1, 6 the applicant is claiming “a notification of direction is given less frequent than a number of times the car drives the traveling route if the car drives the traveling route a plurality of times”. The applicant did not set how the device knows the route traveled nor how the device knows it has traveled the route a given number of times.

6. Claims 14, 16, 17, 26, 27, 28, 29, etc are rejected under 35 USC 112 first paragraph for being in “single means” format. See MPEP.

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**2164.08(a) Single Means Claim**

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. *In re Hyatt*, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to *Hyatt* is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 3, 7, 18-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, the applicant claims “the direction is given a predetermined probability” is an incomplete statement. It is not understood what probability the applicant is referring to. Is the applicant talking about a probability associated with accidents happening in the given direction ? Or the probability associated with traffic jams in that direction, etc ?

In claim 7, the limitation “the plurality of the areas is identified to notify the direction” is not clear.

In claims 18-35, the limitation “a travel warning direction device” is not clear.

In claim 26 “the monotony driving detection means has a plurality of reference speed candidates for possible reference speed to be set” is not clear. The limitations of claim 26 are not clear.

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In claim 34, “the voice output means is given in a certain ratio relative to a number of times the warning is generated” is not clear.

9. Claims 4 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: There is an omitted element in the limitation “wherein there are a plurality of types of notification of the direction”.

10. Claims 28, 29, 30, 34, 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 28, the limitation “long driving or long distance traveling” is not well defined in the claims since what one person considers long could be short to another person.

In addition in claims 29-35 the applicant claims “warning direction”, but the body of the claim does not seem to portray or indicate any warning direction. It is not understood what the applicant is referring to as “warning direction”. This is confusing.

*The applicant is advised to go through all the claims and correct any mistakes that the examiner may have omitted.*

### ***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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12. Claims 1-8, 14, 16-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Urano (5990898).

Regarding claims 1-8, Urano discloses a travel direction device. Note that the other limitations not cited here are limitations drawn to intended use limitations and do not affect the structure of the “travel direction device”.

Regarding claim 14, Urano discloses a travel direction device comprising a controlling means (figs. 1B, 8, 12; col. 25, lines 15-19) for setting a predetermined area centered about a school zone (col. 25, lines 34-62) as a school zone and giving warnings about cautions for travel when a car drives roads in the set school zone based on school days information and school time information, wherein said controlling means changes contents of warnings depending on school types, road types, isolation duration of the area, and vehicle speed.

Regarding claim 16, Urano discloses a travel direction device comprising a controlling means (figs. 1B, 8, 12; col. 25, lines 15-19) for setting a predetermined area centered about a school zone (col. 25, lines 34-62) as a school zone and giving warnings about cautions for travel when a car drives roads in the set school zone based on school days information and school time information, wherein said controlling means sends a deceleration command signal to a control device of the car when the car drives through the school zone so as to reduce the speed.

Regarding claim 17 (as best understood), Urano discloses a direction of travel warning device comprising:

a continuous driving detection means (fig. 1) for detecting a continuous driving condition of a car by comparing the driving condition of the car with a pre-set reference value of the driving condition, and a voice output means (140, fig. 1) for outputting a voice warning when

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the continuous driving is detected by the continuous driving detection means (col. 25, lines 15-62), wherein the voice output means changes expressions of the voice warnings, age and sex of the voice, depending on time zone, season, events, or a number of times of travel.

Regarding claim 18, Urano discloses the direction of travel warning device according to claim 17, wherein the continuous driving detection means detects long time driving.

Regarding claim 19, Urano discloses the direction of travel warning device according to claim 18, wherein the continuous driving detection means detects long distance driving.

Regarding claim 20, Urano discloses the direction of travel warning device according to claim 17, wherein detection by the continuous driving detection means is reset if discontinued for more than a predetermined period of time.

Regarding claim 21, Urano discloses the direction of travel warning device according to claim 17, wherein the travel warning direction device comprises a driver change detection means for detecting a change of a driver, and detection of the continuous driving detection means is reset when the driver change detection means detects the driver change.

Regarding claim 22, Urano discloses the direction of travel warning device according to claim 17, wherein a reference value changes depending on road types.

Regarding claim 23, Urano discloses the direction of travel warning device according to claim 22, wherein the reference value changed depends on time zone.

Regarding claims 24-27, Urano discloses the travel direction warning device comprising a monotony driving detection means and a voice means for outputting voice warnings when a monotony driving is detected



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Note! The other limitations are not structural and it believed that the device of the prior art can perform the limitations that are not related to structure.

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

14. Claims 28-30, 34, 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Okuda et al (6262657).

Regarding claim 28, Okuda et al disclose a travel warning direction device, in which the device outputs a voice warning when a driving of the car is detected by comparing a driving condition to a pre-set value (abstract; col. 8, lines 49-62).

Regarding claim 29, Okuda et al disclose a travel warning direction device, comprising an unsafe driving detection means for detecting unsafe driving (abstract; col. 8, lines 49-62) by comparing a driving condition to a pre-set value (abstract; col. 8, lines 49-62).

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Regarding claim 30, Okuda et al disclose the travel warning direction device according to claim 29, wherein the unsafe driving detection means detects sudden start and sudden stop of the car.

Regarding claim 34, Okuda disclose the travel warning direction device according to claim 29, wherein the direction of warning is output by voice.

Regarding claim 35, Okuda disclose the travel warning direction device according to claim 29, wherein the direction of warning is output irregularly by a voice output means.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urao in view of Okuda.

Regarding claim 31, Urano discloses the travel direction warning device according to claim 29, but did not mention an unsafe driving detection means that detects abrupt steering motion. However, Okuda teach of a travel warning direction device wherein an unsafe driving detection means detects abrupt steering motion by rotation of the vehicle (col. 8, lines 49-62).

Therefore, it would have been obvious to one of ordinary skill in the art of vehicular safety at the time the invention was made to modify the Urano apparatus as taught by Okuda for the purpose of safely operating a car.

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Regarding claim 32, Urano discloses the travel direction warning device according to claim 29, but did not mention an unsafe driving detection means that detects abrupt steering motion. However, Okuda teach of a travel warning direction device wherein an unsafe driving detection means detects abrupt steering motion by rotation of a steering wheel (col. 8, lines 49-62).

Therefore, it would have been obvious to one of ordinary skill in the art of vehicular safety at the time the invention was made to modify the Urano apparatus as taught by Okuda for the purpose of safely operating a car.

Regarding claim 33, Okuda disclose the travel direction warning device according to claim 31, wherein the unsafe driving detection means detects abrupt steering by using an angular velocity sensor.

### *Communication*

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 571/272/6984. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571/272/6878.

9/18/05

Ronnie Mancho  
Examiner  
Art Unit 3663

*Mark Hellner*  
Primary Examiner  
AU 3663